

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 20, 2008

DIVISION TWO

[illegible]

The Court:

The appeal is dismissed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

B192978 People (Not for Publication)
v.
Hines

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

February 20, 2008 (Continued)

DIVISION TWO (continued)

B197498 People (Not for Publication)
v.
Valencia

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Z. Heraldez, Deputy Clerk.

Each of the following:

B194820 People v. Vincent Reynolds

B195488 People v. Eric V.

B202246 People v. Xavier H.

B200027 DCFS v. Laquasha C.

B202932 Isabel T. v. S.C.L.A.

Argument waived, cause submitted.

B183960 Roland M. Attenborough
v.
Reish Luftman Reicher & Cohen

Merits:

Argued by Henry T. Heuer for appellant and by S. Shane Sagheb for respondent. Cause submitted.

DIVISION THREE (continued)

B194747 Bob Wall et al
 v.
 Mike Dillard et al

Merits:

Argued by Daniel Hoffer for appellants and by Brent Johnson for respondents. Cause submitted.

B195211 California Golf LLC
 v.
 Perry Cooper et al

Merits:

Argued by Jeffre Todd Lowe for appellant and by Coby R. Halalvais for respondents. Submission deferred pending filing of letter briefs. Cause to be submitted April 4, 2008.

B198399 Cytodyn of New Mexico Inc.
 v.
 Patricia J. Barry

Merits:

Argued by Stephen F. Rohde for appellant and by Robert Drescher for respondent. Submission deferred pending filing of appellant's letter brief. Cause to be submitted March 3, 2008.

B193106 Evelyn Massey
 v.
 L.A. Unified School District et al

Merits:

Argued by Daniel Flores for appellant and by Christine T. Hoeffner for respondents. Cause submitted.

Court recessed.

DIVISION THREE (continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B193006 People v. Morgan Morris
B196945 People v. Clarence Jones
B195624 People v. Patrick Kelly
B197527 People v. Marque Fricks
B195782 People v. Anthony Durden
B201607 DCFS v. Donna G.
B200934 DCFS v. Phillip O.
B194079 Rhaburn v. Somahi
B196328 Peo v. William Murray

Argument waived, cause submitted.

B200428 In Ae Kwon
 v.
 Jo Sig Hong et al

Merits:

Argued by Daniel Koes for appellant; no appearance for respondents.
Cause submitted.

B193640 Antoinette Grewal
 v.
 W. John Martin et al

Merits:

Argued by Chance Gordon for appellant and by David Pruett and Geoffrey Moore for respondents. Cause submitted.

DIVISION THREE (continued)

B200961 Swarnapali Timmann
 v.
 John F. Napoli

Merits:

Argued by David Dushane for appellant and by Larry Lulofs for respondent. Cause submitted.

B199483 South Hills Homes Partnership
 v.
 City of West Covina

Merits:

Argued by Stephen L. Jones for appellant and by Scott Nichols for respondent. Cause submitted.

B194374 Harmon Sharp III et al
 v.
 American Broadcasting Companies Inc. et al.

Merits:

Argued by William Cole for appellants; by Emma Leheny for respondents and by Scott A. Kronland for amicus curiae. Cause submitted.

B191484 Louis Lawson et al
 v.
 Lawrence I. Schwartz

Merits:

Argued by Gregory R. Smith and Paul N. Frimmer for appellant and by Paul F. Cohen for respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B200563 Los Angeles County, D.C.S. (Not for Publication)

v.

Roberto O. et al.

The order denying father's section 388 petition is affirmed. The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to order DCFS to provide proper notice of the proceedings under ICWA and to file a copy of the notice in the juvenile court, along with proof of receipt of such notice. The juvenile court shall then determine whether the notice and proof of receipt comply with ICWA. If, after receiving proper notice, no tribe claims David, Noel or Sean as an Indian child within the meaning of ICWA, the juvenile court shall then reinstate the jurisdictional and dispositional orders. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B197762 People (Not for Publication)

v.

Jenkins

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B200082 Goldman (Certified for Publication)
 v.
 Simpson

The order denying Simpson's motion to vacate the renewal of judgment is affirmed. Respondent shall recover his costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
 Manella, J.

DIVISION FIVE

B174938 People (Not for Publication)
 v.
 Erica Lu

Lu's sentence for assault is ordered stayed pursuant to section 654. The judgment is otherwise affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B198262 Ernest Radillo (Not for Publication)
 v.
 Superior Nissan of Mission Hills et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

I concur: Turner, P.J.
I concur: Mosk, J. (with opinion)

DIVISION SIX

B193610 Keyes (Not for Publication)

v.

Ezor

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B200565 Ventura County Human Resources Agency (Not for Publication)

v.

Crystal R.,

We reverse the order terminating parental rights and remand for the limited determination of the applicability of the ICWA. (*In re Jonathan D.* (2001) 92 Cal.App.4th 105, 111-112 [limited remand to require compliance with the (ICWA).] If, following proper inquiry and notice, the juvenile court expressly determines that the ICWA does not apply, it shall reinstate the order terminating parental rights,

Gilbert, P.J.

We Concur: Yegan, J.
 Coffee, J.

B197754 People (Not for Publication)

v.

Yates

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (continued)

B202628 In re Robert Joseph La Cava (Not for Publication)
on
Habeas Corpus

The judgment granting La Cava's petition is reversed. The matter is remanded to the Superior Court with directions to enter a new judgment denying his petition.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B195387 Jones (Not for Publication)
v.
Jones

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B197023 In re Corona (Certified for Publication)
On
Habeas Corpus

The order of the trial court is affirmed.

Coffee, J.

We concur: Yegan, Acting P. J.
 Perren, J.

DIVISION SIX (continued)

B200743 Graphic Communications Union. (Not for Publication)

V.

Ennis business Forms et al.,

The order denying the petition to compel arbitration is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B194403 People (Not for Publication)

V.

Taylor

The appeal is affirmed.

Perren,.J.

We concur: Gilbert, P.J.
Coffee, J.

B199935 Ventura County Human Resources Agency

V.

Dori C.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B200619 Jensen (Certified for Publication)

V.

Superior Court, Los Angeles County
(People, r.p.i.)

The petition for writ of prohibition is denied. The order to show cause is discharged. Upon finality of this opinion, the stay of further proceedings in the superior court is vacated.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B198350 Los Angeles County, D.C.S. (Not for Publication)

V.

Jennifer C.,

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions to order DCFS to take additional actions as described herein to investigate potential Indian heritage and to comply with the notice provisions of ICWA, and to file all required documentation with the juvenile court for the court's inspection. If, after proper notice, a tribe claims a child is an Indian child, and seeks to intervene in the juvenile court proceedings, the juvenile court is directed to vacate its prior orders and conduct all proceedings in accordance with ICWA, section 360.6 and rule 5.664 of the California Rules of Court. On the other hand, if no tribe claims the child is Indian or seeks to intervene, the order terminating parental rights is to be reinstated. In all other respects, the orders appealed from are affirmed.

Woods, J.

We concur: Perluss, P.J.
Wiley, J. (Assigned)

DIVISION SEVEN (continued)

B198953 Los Angeles County, D.C.S. Not for Publication)
v.
Brain B.,

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B196146 People (Not for Publication)
v.
Herman Jay Dixon, JR.,

The judgment is affirmed.

The judgment is modified to reflect the imposition of a five-year enhancement pursuant to Penal Code section 667, subdivision (a) (1), the imposition and staying of a parole revocation fine of \$10,000, and the imposition of a \$20 court security fee. The superior court is ordered to prepare and file with the Department of Corrections an amended abstract of judgment reflecting the changes indicated herein. In all other respects, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
 Wiley, J. (Assigned)

February 20, 2008 (Continued)

DIVISION EIGHT

B187661 Cytodyn, Inc., (Certified for Publication)
 v.
 Amerimmune Pharmaceuticals, Inc. et al.,

The order awarding attorney fees is reversed. CytoDyn is entitled to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.